

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LEONARD SANTOS,

Plaintiff,

v.

JO ANNE B. BARNHART, Commissioner of
Social Security,

Defendant.

No. C-07-0119 MMC

**ORDER GRANTING DEFENDANT'S
UNOPPOSED MOTION TO DISMISS OR,
IN THE ALTERNATIVE, FOR SUMMARY
JUDGMENT; VACATING HEARING**

(Docket No. 4)


Before the Court is the motion filed January 16, 2007 by defendant Jo Anne B. Barnhart, Commissioner of Social Security, seeking dismissal of the instant action for lack of subject matter jurisdiction and failure to state a claim or, in the alternative, summary judgment. No opposition has been filed. Having considered the papers filed in support of the motion, the Court finds the matter appropriate for decision without oral argument, and hereby VACATES the March 23, 2007 hearing.

For all the reasons set forth in defendant's motion, the motion is hereby GRANTED, and the instant action is hereby DISMISSED with prejudice.

The Clerk shall close the file.

IT IS SO ORDERED.

Dated: May 2, 2007


MAXINE M. CHESNEY
United States District Judge